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Application Serial No. 10/031,850  
Amdt. dated January 8, 2004  
Reply to Office Action of July 8, 2003

### **REMARKS/ARGUMENTS**

In the Office Action dated July 8 2003, the Examiner has rejected the subject matter of Claims 1, 4 and 8-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,123,517 to Windau. The Examiner has also rejected the subject matter of Claims 2, 5, 7, 13 and 15 under 35 U.S.C. §103(a) and contends that they are unpatentable over the following references: U.S. Patent No. 5,123,517 to Windau; U.S. Patent No. 3,622,905 to Mizuno et al.; and U.S. Patent No. 5,609,236 to Neukam. The references and the Examiner's rejection of the various claims are discussed in detail below.

The Examiner has also objected to the Drawings under 37 C.F.R. 1.83(a). Specifically, the Examiner has requested that the detection system for detecting a unique code placed on the holder as stated in Claim 12 must be shown in the drawings. The Examiner has also requested that the features claimed in Claim 14 must also be shown in the Drawings.

The Examiner has rejected Claim 12 under 35 U.S.C. §112, first paragraph and has rejected Claims 1-16 under 35 U.S.C. §112, second paragraph.

In response to the rejections, Applicant has undertaken to submit a substitute drawing sheet showing Figures 1e and 2 attached under Attachment A. Applicant has amended Figure 2 to include a detection system 11 having two cameras 13 and 15 which are shown at the supply point and removal point of the conveyance circuit to read a code 17 on the holders. Applicant directs the Examiner the specification, page 6, lines 4-16, which describes the elements depicted in the drawings. Applicant has also amended the specification to reference the detection system in Figure 2. Specifically, the paragraph beginning on page 6, line 36 and ending on page 7 line 34 has been amended. Applicant avers that no new matter has been added.

Regarding the rejection of Claim 12 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement, Applicant respectfully submits that one skilled

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in the art is fully enabled to implement a detection system using a camera identification system to detect a coding present on the holders. Applicant directs that Examiners attention to page 6, lines 4-16 where the detection system is described which enables one skilled in the art to make the present invention. Accordingly, Applicant request favorable reconsideration of the rejection of Claim 12.

Applicant has cancelled Claim 14 without prejudice.

Applicant has amended Claims 1, 6, and 16 to address the 35 U.S.C. §112, second paragraph rejections. Claim 1 has been amended to more specifically define the present invention. The longitudinal paths of the conveyance circuit are disposed in a sloping manner with an angle of inclination as disclosed in the specification on page 3, lines 35-38. Claims 6 and 16 have been amended to place them in proper United States claim format. Applicant avers that the amendments to the claims were not motivated by the prior art and that no new matter has been added. Applicant respectfully requests favorable reconsideration of Claim 1, 6 and 16.

The Examiner has indicated that Claims 3 and 6 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant wishes to thank the Examiner for the indication of allowable subject matter. Accordingly, Applicant has added new Claims 34 and 35. Specifically, Claim 34 includes the subject matter of original Claims 1, 2 and 3; and Claim 35 includes the subject matter of original Claims 1, 4 and 6. Applicant respectfully submits that Claims 34 and 35 are in condition for allowance.

Applicant has added new Claims 17-33 to more specifically define the present invention. Support for Claim 17 can be found in the specification on page 3, lines 36-37. Support for Claim 18 can be found in the specification on page 2, lines 37-40 and page 3, lines 1-6. Applicant avers that the new claims were not motivated by the prior art and no new

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matter has been added. Applicant respectfully requests favorable consideration of Claims 17-33.

Claims 1-13 and 15-35 remain in the present application for continued prosecution.

The Examiner has rejected the subject matter of Claims 1, 4 and 8-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,123,517 to Windau. The Examiner contends that the Windau '517 reference includes all of the claimed features of the present invention. Applicant traverses the rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that the Windau '517 reference does not teach or suggest a conveyance circuit having at least two longitudinal paths sloping in opposite directions at a fixed angle as defined in Claim 1, as amended. Specifically, in column 8, lines 34-50, the Windau '517 reference teaches that each zone of the conveyance circuit is tilted at a variable level of inclination to move the load 230. The sections that support the load 230 have at either end an air spring 237 that is either inflated or deflated to change the angle of inclination of a zone. To the contrary, as defined in Claim 1, as amended, and Claim 18 of the present application, the longitudinal paths of the conveyance circuit slope in opposite directions and are not movable in a vertical direction.

Accordingly, Applicant respectfully submits that Claim 1, as amended, and Claim 18 and those claims depending therefrom patentably distinguish over the prior art.

Claims 2, 7, 13 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Windau '517 reference in view of U.S. Patent No. 3,662,905 to Mizuno et al. The Examiner contends Mizuno et al. '905 reference teaches having two longitudinal paths with transverse sections at the end of the paths having carriers that include rows of spaced apart wheels 14 and spacers 34 and 35. The Examiner also contends that the Mizuno et al. '905 reference teaches providing multiple tiers with several conveying circuits disposed

next to each other. Finally, the Examiner contends that the Mizuno et al. '905 reference specifically teaches a conveyance circuit where the longitudinal paths have more carriers than the transverse path. The Examiner contends that it would have been obvious to one having ordinary skill in the art to combine the Windau '517 reference with the Mizuno et al. '905 reference to create the present invention. Applicant traverses the rejection and requests withdrawal based on the following analysis.

Applicant respectfully submits that one skilled in the art would not be motivated to combine the Mizuno et al. '905 reference with the Windau '517 reference. Specifically the Mizuno et al. '905 reference discloses that the two longitudinal paths and two transverse tracks are provided all in the same horizontal plane. The Mizuno et al. '905 reference does not teach or suggest a device having an inclined surface as disclosed in the Windau '517 reference or in the present invention. Applicant respectfully submits that one skilled in the art would not be motivated to combine the Mizuno et al. '905 reference with the Windau '517 reference since the devices are both structurally different and operate different from each other.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 2, 7, 13 and 15.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the Windau '517 reference in view of U.S. Patent No. 5,609,236 to Neukam. The Examiner concedes that the Windau '517 reference does not disclose using a piston cylinder. Accordingly, the Examiner has cited the Neukam '236 reference that teaches using a piston lifting appliance 9. The Examiner contends that it would have been obvious to one having ordinary skill in the art to combine the Windau '517 reference with the Neukam '236 reference. Applicant traverses the rejection and requests withdrawal based on the following analysis.

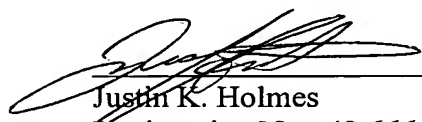
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Applicant respectfully submits that one skilled in the art would not be motivated to combine the Neukam '236 reference with the Windau '517 reference. Specifically, the Neukam '236 reference does not relate to a gravity operated conveyor system. The Neukam '236 reference teaches using a lifting appliance 9 that lifts a piece 23 off a roller conveyor 20. The lifting appliance 9 moves a set of discharge belts 12 so that they are above the top surface of the roller conveyor 20. A driving motor 6 activates the discharge belts 12 to move the pieces 23 off of the roller conveyor 20. Applicant respectfully submits that one skilled in the art would not be motivated to combine the Neukam '236 reference with the Windau '517 reference, since the Neukam '236 reference uses the piston to lift a power actuated belt system that is not gravity assisted as in either the Windau '517 reference or as in the present invention.

Accordingly, Applicant submits that Claim 5 patentably distinguish over the prior art.

In view, therefore, of the amendment to the specification, drawings, claims as well as the remarks set forth above, Applicant firmly believes the present application is in all respects in condition for allowance which action is earnestly solicited.

Respectfully submitted,

  
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## **ATTACHMENT A**



3/5

C <sub>9</sub>	C <sub>8</sub>	C <sub>7</sub>	C <sub>6</sub>	C <sub>5</sub>	C <sub>4</sub>	C <sub>3</sub>	C <sub>2</sub>
C <sub>10</sub>	C <sub>11</sub>	C <sub>12</sub>	C <sub>13</sub>	C <sub>14</sub>	C <sub>15</sub>	C <sub>1</sub>	E

Fig 1e

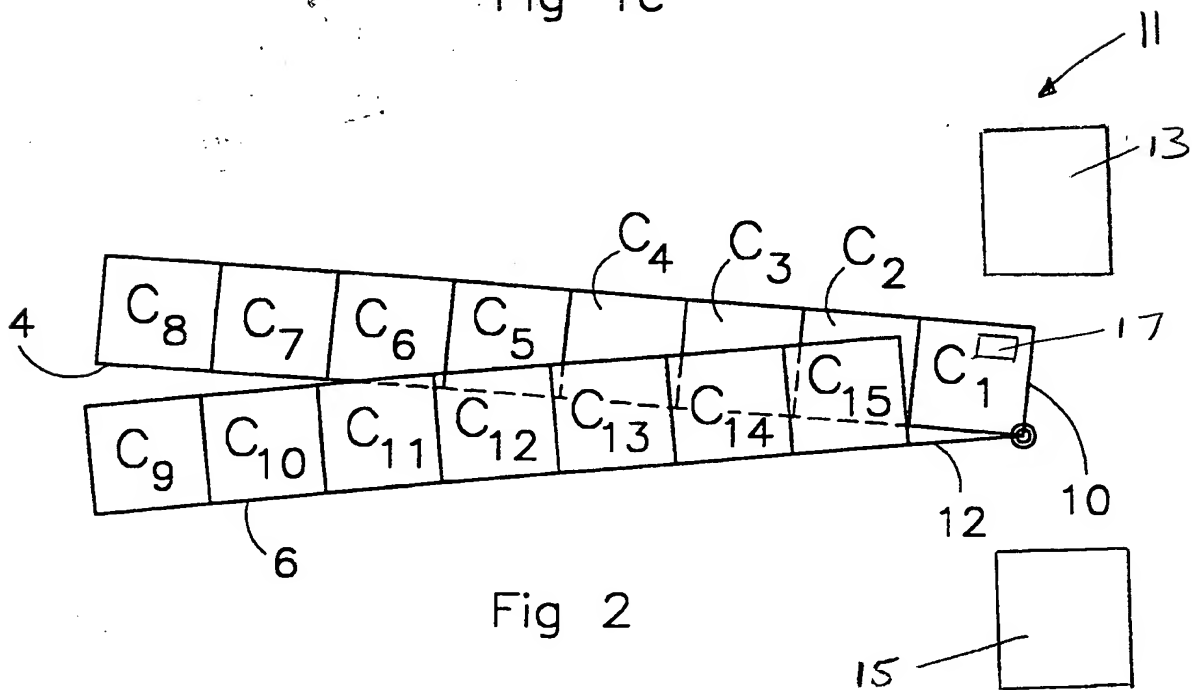


Fig 2